

## EXHIBIT B

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Total Number of Pages: 11

To: Luisa Bigornia  
BioMarin Pharmaceuticals Inc.

Fax / Phone:

(415) 382-3511 / (415) 884-6709

From: Maria L. Maebius  
202-942-8452

Date: August 4, 2003

Note:

Please find attached declarations for execution

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Client Matter Number: 104385.140  
Return To: Jacquelyn Price

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**HALE AND DORR LLP**  
COUNSELORS AT LAW

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MARIA L. MAEBIUS

202-942-8452  
maria.maebius@haledorr.com

August 4, 2003

**VIA FACSIMILE**

Dr. Luisa Bigornia  
BioMarin Pharmaceuticals Inc.  
371 Bel Marin Keys Boulevard, Suite 210  
Novato, CA 94949

Re: U.S. Patent Application No. 08/722,659  
Title: Use of Heparinase to Decrease Inflammatory Response  
Inventors: Bennett et al.; Filed: September 27, 1996  
Our Reference No.: 104385.140

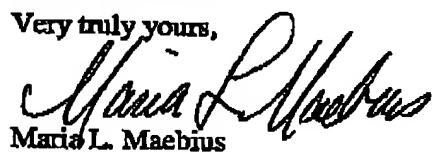
Dear Luisa:

Further to our letter of March 20, 2003, we have received a Board of Patent Appeals and Interferences Docketing Notice from the U.S. Patent and Trademark Office. The above referenced application has been assigned Appeal No. 2003-1678.

In addition, attached are the four Declarations under 37 CFR 1.132 for the execution by Dominique Fink, Elizabeth Cauchon, Brigitte Groulx, and Ariane Hsia for your review. Please let me know if you need assistance locating these inventors.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

  
Maria L. Maebius

MLM:dal  
Enclosure  
cc: Hollie Baker

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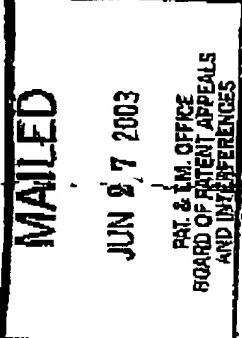


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HOLLIE L. BAKER  
HALE & DORR LLP.  
60 STATE STREET  
BOSTON, MA 02109

Paper No. 49  
Appeal No. 2003-1678  
Appellant: BENNETT, D. CLARK  
Application: 08/722,659



**Board of Patent Appeals and Interferences  
Docketing Notice**

Application 08/722,659 was received from the Technology Center at the Board on June 11, 2003 and has been assigned Appeal No: 2003-1678.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: November 4, 2002  
Reply Brief filed on: March 13, 2003  
Request for Hearing filed on: None

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

HALE & DORR DOCKETING  
RE: 107-05-140 612  
Action Date: 7/13/03  
Action to be Taken: D/D  
Docketed By: DMB

PDY

Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
BENNETT et al. ) Group Art Unit: 1644  
Serial No.: 08/722,659 )  
Filed: September 27, 1996 )  
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF ARIANE HSIA**

I, Ariane Hsia, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Brigitte Grouix, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Ariane Hsia

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Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
BENNETT *et al.* ) Group Art Unit: 1644  
Serial No.: 08/722,659 ) Examiner: A. DeCloux  
Filed: September 27, 1996 )  
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF ELIZABETH CAUCHON**

I, Elizabeth Cauchon, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Dominique Fink, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Elizabeth Cauchon

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Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
BENNETT *et al.* ) Group Art Unit: 1644  
Serial No.: 08/722,659 ) Examiner: A. DeCloux  
Filed: September 27, 1996 )  
For: **USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF DOMINIQUE FINK**

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmerman, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_  
this    day of   , 2003.

Dominique Fink

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Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**BENNETT et al.**

)  
Group Art Unit: 1644

Serial No.: 08/722,659

)  
Examiner: A. DeCloux

Filed: September 27, 1996

)

For: **USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF BRIGETTE GROUIX**

I, Brigitte Grouix, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Brigitte Groulx

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**EXHIBIT B**

**COPY**

Attorney Docket N . 104385.140

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
BENNETT *et al.* ) Group Art Unit: 1644  
Serial No.: 08/722,659 ) Examiner: M. Jamroz  
Filed: September 27, 1996 )  
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF ISRAEL VLODAVSKY**

I, Israel Vlodavsky, do hereby declare that:

1. I am a professor at Hadassah University Hospital, in Jerusalem, Israel.
2. I am a joint inventor of the subject matter claimed in U.S. Patent No. 5,997,863 ("the '863 patent"), along with Joseph Zimmermann, D. Clark Bennett, Pamela Danagher, and Richard Broughton.
3. I am informed and believe that the '863 patent has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
4. While I was a co-inventor, I did not make an inventive contribution to the subject matter recited in paragraph 3. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29. It is my belief that, of

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the named joint inventors of the '863 patent, Bennett and Danagher were the ones who contributed to the subject matter described in Example 8.

5. The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at Israel, Jerusalem

this 29 day of July, 2002.

  
\_\_\_\_\_  
Israel Vlodavsky

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